

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

UNITED STATES OF AMERICA,

v.

RODNEY LEWIS MOORE,

Defendant.

:
:
:
:
:
:
:
:
:

No. 3:21-cr-00035-CAR-CHW-1

ORDER

Before the Court are two miscellaneous motions filed by Defendant Rodney Moore: a motion to appoint counsel (Doc. 531) and a motion to proceed *in forma pauperis*. (Doc. 532). Defendant's conviction was affirmed in October 2024 (Docs. 523, 524), and the Court denied his motion to reduce sentence in November 2024. (Doc. 527). There is no other post-conviction motion or proceeding pending before the Court, and Defendant's motions do not indicate the purpose for which they were filed. *See* (Docs. 531, 532).

In the event Defendant intended these motions to relate to a Motion to Vacate, Set Aside, or Correct a Sentence pursuant to 28 U.S.C. § 2255, these motions are without merit. First, because no fee is required to file Section 2255 motion, a request to proceed *in forma pauperis* would be unnecessary. Second, as to the request for counsel, Defendant would not be entitled to appointed counsel for purposes of filing a Section 2255 motion. No constitutional right to counsel exists in Section 2255 proceedings. *See McGriff v. Dep't of Corrs*, 338 F.3d 1231, 1234 (11th Cir. 2003). Rather, the Court may appoint counsel for any financially eligible person seeking relief under section 2241, 2254, or 2255 of Title 28 if the "the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). Without any pending motion before the Court, there is no basis to determine that

“the interests of justice” weigh in favor of the appointment of counsel to assist Movant in advancing any Section 2255 argument.

Accordingly, Defendant’s motion to appoint counsel (Doc. 531) and his motion to proceed *in forma pauperis* (Doc. 532) are **DENIED**.

SO ORDERED, this 8th day of April, 2025.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge